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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Wolfgang Rohde et al.

: Group Art Unit: 1793

Ser. No. 10/538,536

: Examiner: Cam Nguyen

Filed: June 10, 2005

For: SUPPORTED CHROMIUM CATALYST AND ITS USE FOR PREPARING
HOMOPOLYMERS AND COPOLYMERS OF ETHYLENE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO NONCOMPLIANT APPEAL BRIEF UNDER 37 C.F.R. § 41.37

Sir:

Please replace Section V. ("Summary of Claimed Subject Matter") in the Brief filed by Appellant on 19 May 2009 with the corrected Section V. shown in the attachment. The corrected section provides references to the specification page and line numbers. Appellant believes no fee is due with this response.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first-class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box. 1450, Alexandria, VA 22313-1450 on July 7, 2009.

Jonathan L. Schuchardt
Name of person signing

Jonathan L. Schuchardt
Signature

Respectfully submitted,
Wolfgang Rohde et al.

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V. Summary of Claimed Subject Matter

Appellants claim a process for preparing supported, titanized chromium catalysts (claims 1-6 and 10; p. 1, ll. 1-5; p. 2, ll. 18-29), catalysts made by the process (claim 7; p. 1, ll. 1-5; p. 2, ll. 31-33), and olefin polymerization processes that use the catalysts (claims 8 and 9; p. 1, ll. 1-5; p. 2, ll. 37-40). The process requires, in a single step, contacting a support material (p. 3, l. 9 - p. 5, l. 16) with a protic medium having a water content less than 20% by weight (p. 7, l. 3) and comprising titanium and chromium compounds (claim 1; p. 5, ll. 18-19). Optionally, the protic medium is removed (p. 7, l. 37; p. 8, l. 26), and the resulting precatalyst is calcined and activated by heating it in an oxygen-containing atmosphere (claim 1; p. 8, ll. 4-34). Phillips catalysts made by the process are particularly valuable for gas-phase olefin polymerizations, where they provide high productivity and polymers with excellent morphology and good processability; additionally, the catalysts provide good comonomer incorporation and are productive at low activation temperatures (p. 12, l. 35 - p. 13, l. 2; see U.S. Pat. Appl. Publ. No. 2006/0063666, hereinafter also "the '666 publication," at paragraph [0084]).